

**REMARKS/ARGUMENTS**

In response to the Office Action mailed January 15, 2010, Applicants do not amend their application, but request reconsideration in view of the following remarks and attached Terminal Disclaimers. Claims 1-5 are currently pending. No new matter has been introduced.

Claims 1-5 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-8 of US Patent No. 7,419,678. Applicants have attached a duly executed Terminal Disclaimer. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1-5 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of copending application no. 11/149,466. Applicants have attached a duly executed Terminal Disclaimer. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

A favorable Action on the merits is earnestly solicited.

Please charge Deposit Account No. 10-0750/CRD5071USNP/CJE in the name of Johnson & Johnson \$130.00 for the cost of filing this Terminal Disclaimer. If additional fees are required, the Commissioner is hereby authorized to charge any

Serial No. 10/805,736

additional fees, or credit any overpayment, to Account No.  
10-0750/CRD5071USNP/CJE.

Respectfully submitted,

/Carl J. Evens/

By: \_\_\_\_\_  
Carl J. Evens  
Reg. No. 33,874

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-2518  
Dated: May 3, 2010